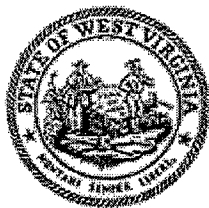


OFFICE OF THE SECRETARY OF STATE
STATE OF WEST VIRGINIA



Betty Ireland
Secretary of State

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, West Virginia 25305
Telephone: 304-558-6000
Toll Free: 866-SOS-VOTE
www.wvsos.com

LEGAL NOTICE

Ronald D. Lawson, Clerk
United States District Court
Southern District of West Virginia
300 Virginia Street East #2400
Charleston, WV 25301-2523

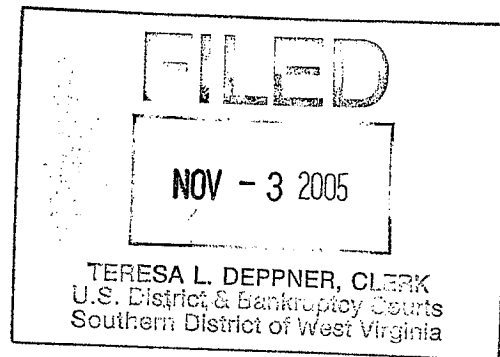
October 31, 2005

Civil Action: 2:05-0822

I am enclosing:

- ☐ summons
- ☐ notice
- ☐ order
- ☐ petition
- ☐ motion
- ☐ interrogatories
- ☐ suggestions
- ☐ subpoena duces tecum
- ☐ summons and complaint
- ☐ 3rd party summons and complaint
- ☐ summons returned from post office
- ☒ 1 certified return receipt

- ☒ 1 original
- ☐ affidavit
- ☐ answer
- ☐ cross-claim
- ☐ counterclaim
- ☐ request
- ☐ demand
- ☐ default judgement
- ☐ complaint
- ☐ notice of mechanic's lien
- ☐ suggestee execution
- ☐ summons and amended complaint



which was served on the Secretary at the State Capitol in her capacity as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of Apache Mining Co., LLC.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about these documents directly to the court or to the plaintiff's attorney, shown in the enclosed paper. Please do not call the Secretary of State's office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vicki Haught".

Vicki Haught
Manager

AO 440 (Rev. 8/01) | SDWV/CIV-004 (4/05) Summons in a Civil Action

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

AMERICAN METALS & COAL
INTERNATIONAL, INC., a Delaware
corporation,

Plaintiff,

V.

SUMMONS IN A CIVIL ACTION

CIVIL ACTION No. 2:05-cv-00822

WHITE MOUNTAIN MINING CO., LLC,
a West Virginia limited liability company;
and APACHE MINING CO., L.L.C., a
West Virginia limited liability company,

Defendants.

TO [Name and address of defendant]:

Apache Mining Co., L.L.C.
c/o John A. Rollins
300 Summers Street, Suite 700
Charleston, WV 25301

YOU ARE HEREBY SUMMONED and required to serve on [Name and address of Attorney(s) for Plaintiff(s)]:

Brian A. Glasser (WVSB #6597)
Bailey & Glasser, LLP
227 Capitol Street
Charleston, WV 25301

A. B. Maloy (WVSB #9305)
Bailey & Glasser, LLP
227 Capitol Street
Charleston, WV 25301

an answer to the complaint which is served on you with this summons, within ²⁰~~30~~ days of service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

TERESA L. DEPPNER, CLERK OF COURTS

DATE: OCT 11 2005

BY: Eugenia Berger
DEPUTY CLERK

ACCEPTED FOR
SERVICE OF PROCESS

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

2005 OCT 26 AM 11:12

SECRETARY OF STATE
STATE OF WEST VIRGINIAAddress of ServerSignature of ServerDate

Executed on

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

DECLARATION OF SERVER

TRAVEL

SERVICES

TOTAL \$0.00

STATEMENT OF SERVICE FEES

☐ Other (specify):☐ Returned unexecuted:

Name of person with whom the summons and complaint were left:

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

☐ Served personally upon the defendant. Place where served:

Check one box below to indicate appropriate method of service

NAME OF SERVER (PRINT)

TITLE

Service of the Summons and complaint was made by me⁽¹⁾

DATE

RETURN OF SERVICE

2. Article Number



7160 3901 9848 9218 4738

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

2:05-0822

Apache Mining Co., LLC

John A. Rollins

300 Summers Street

Suite 700

Charleston, WV 25301

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Kelly Richardson

B. Date of Delivery

10-28

C. Signature

X Kelly Richardson

☐ Agent

☒ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☒ No

PS Form 3811, July 2001

Domestic Return Receipt